

191—35.29(509) Notification requirements.

35.29(1) A group health plan, carrier, or ODS shall provide written notice to the employee and dependents that includes the following:

- a.* The existence of any preexisting condition exclusions.
- b.* A determination that the group health plan, carrier, or ODS intends to impose a preexisting condition exclusion and:
 - (1) The basis for the decision to do so;
 - (2) The length of time to which the exclusion will apply;
 - (3) The right of the employee or dependent to appeal a decision to impose a preexisting condition exclusion;
 - (4) The right of the person to demonstrate creditable coverage including the right of the person to request a certificate from a prior group health plan, carrier, or ODS and a statement that the current group health plan, carrier, or ODS will assist in obtaining the certificate.
- c.* That the group health plan, carrier, or ODS will use the alternative method of counting creditable coverage.
- d.* Special enrollment rights when an employee declines coverage for the employee or dependents.

35.29(2) A group health plan, carrier, or ODS shall provide written notice to the employee and dependents of a modification of a prior creditable coverage decision when the group health plan, carrier, or ODS subsequently determines either no or less creditable coverage existed provided that the group health plan, carrier, or ODS acts according to its initial determination until the final determination is made.